

REMARKS

It is requested that a single intron region from claim 8 and its dependent claims. It has been stated with respect to claim 8 in this Restriction Requirement:

Pursuant to 35 U.S.C. 121 and 37 C.F.R. 1.141, the different target introns listed in claim 8, and encompassed in claims 11, 14-16, are subject to restriction. As per M.P.E.P. 2434, "the Commissioner has partially waived the requirements of 37 C.F.R. 1.141 and will permit a reasonable number of such nucleotide or amino acid sequences to be claimed in a single application." Applicant is required to elect a single intron region sequence from claim 8 (see also e.g. Table 2, pages 72-73 of the specification). Those sequences which are patentably indistinct from the sequence selected by the Applicant will also be examined.

Claim 8 specifically claims different nucleic acid sequence targets (*i.e.* different introns). Each of these target sequences is considered to be structurally independent, because each of these sequences has a unique nucleotide sequence. Furthermore, a search of all the sequences or targets claimed presents an undue burden on the Patent and Trademark Office to search and examine all of the recited or encompassed sequences. In view of the foregoing, applicants are required to elect up to ONE (1) claimed target intronic sequence.

Applicant respectfully traverses this Restriction Requirement. Further, Applicant respectfully points out that specific intron sequences are **NOT** recited in claim 8. Claim 8 is only directed to an intron region. MPEP 2434 and related MPEP 803.04 are only directed to situations where specific nucleotide sequences are recited. Therefore, Applicant assumes especially, given that the Examiner states that "sequences patentably indistinct from the sequence selected by the Applicant will also be examined..", that a species election is requested in view of MPEP 809.02(a). In order to be responsive, Applicant elects with traverse intron 1 encompassing nucleotides 10641-9015 of SEQ ID NO:8. However, it is Applicant's view that it would not be an undue burden to search all of the introns of SEQ ID NO:8.

In view of the above arguments, Applicant respectfully requests that the Restriction Requirement be withdrawn. An early action to that end is respectfully requested. It is Applicant's view that the claims are in condition for further examination and ultimately allowance. The Examiner is invited to contact the undersigned at (914) 712-0093 if she wishes to discuss this response, the pending claims or application.

Respectfully submitted,

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